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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,352	11/09/1999	DIMITRI KANEVSKY	YO999-411	7851

7590

09/18/2003

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EXAMINER

STULBERGER, CAS P

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 09/18/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,352

Applicant(s)

KANEVSKY ET AL.

Examiner

Cas Stulberger

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13, 15-21, 24, 26-32, 35, 37-39, 40-47, 49, and 50-57 above are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,219,793 B1 to Li et al. and further in view of U.S. Patent No. 5,659,617 to Fischer.

In regards to claims 1, 5, 15-16, 26, 27, 37-39, 40-47, 49, and 50-57, Li discloses a system and a method for employing a user's fingerprint to authenticate a wireless communication. When a wireless communication is to be initiated, the central authentication system engages in a challenge-response authentication with the wireless phone using the stored fingerprint associated with the mobile identification number (MIN) (Li: Abstract). Li also discloses that biometric data other than fingerprints can be used such as a user's voice (Li: column 17, lines 29-35).

However Li does not disclose a challenge response method that uses the location.

Fischer discloses an apparatus for providing location certificates to certify the position or location of an object (Fischer: Abstract). The current location or position maybe be continuously computed and maintained, or it may be computed only in response to a request (Fischer: column 3, lines 1-3). Fischer also discloses that for audit and billing purposes the location of requestor for access to sensitive material or databases is needed (Fischer: column 1, lines 38-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of using biometric data to authenticate wireless communications as disclosed by Li with the method of providing the location in response to a challenge as disclosed by Fischer in order to provide reliable location certificates which are used to prove the geographic location of a particular object (Fischer: column 1, lines 5-7).

In regards to claim 2, Li discloses requesting a personal identification number (PIN) each time a call is made. This meets the limitation of a "password."

In regards to claims 3, 4, 10, 21, 32, Li does not disclose a pocket token or computer readable card.

Fischer discloses incorporating a location certification unit (LCU) in a computer log-on card (Fischer: column 4, lines 1-10). This meets the limitation of "wherein said response is a computer readable card" or "pocket token."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the wireless cellular phone as disclosed by Li with the method of using computer log-on cards as disclosed by Fischer in order to disable the use of such object, which provides for control over the location at which the objects can be used (Fischer: column 3, lines 63-67; column 4, line 1).

In regards to claims 6-9, 11, 13, 17-20, 24, 28-31, and 35, Li does not however disclose using a global positioning system.

Fischer discloses the position determination unit operates on the reception of Global Positioning System signals to establish its location. A secure authorization unit functions to authenticate the location information reported to a requestor (Fischer: column 1, lines 57-65). This meets the limitation of "wherein said global positioning system includes a local verification system."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the wireless cellular phone as disclosed by Li with the global positioning system as disclose by Fischer in order to determine the location of an object or event which involves the employment of a position determination unit (Fischer: column 1, lines 57-58).

3. Claims 12, 14, 22, 23, 25, 33, 34, 36, 48, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,219,793 B1 to Li et al. in view of U.S. Patent No. 5,659,617 to Fischer as applied to claims 1-11, 13, 15-21, 24, 26-32, 35, 37-39, 40-47, 49, and 50-57 above, and further in view of "Wireless Enhanced 9-1-1 Service - Making it a Reality," Bell Labs Technical Journal (Autumn 1996) by Meyer et al.

In regards to claims 12, 14, 23, 25, 34, 36, 48, and 58, Li does not disclose using 911 techniques or querying the user about something at the location of a requested device or facility.

Meyer however discloses asking the user of the cell phone "Do you have any more details on your location?" (Meyer: page 189, right column, lines 1-2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the wireless cellular phone as disclosed by Li with the method of

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querying the user as to where they are because the existing E9-1-1 service was originally designed to support wireline calls from fixed locations (Meyer: page 188, right column, second paragraph).

In regards to claims 22 and 33 Li does not however disclose using triangulation.

Meyer however discloses that triangulation methods can be used (Meyer: page 198, left column).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the wireless cellular phone as disclosed by Li with the method of using triangulation as disclosed by Meyer because it can be implemented at a relatively low additional cost (Meyer: page 196, right column, third paragraph, last line).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. The examiner can normally be reached on Monday - Thursday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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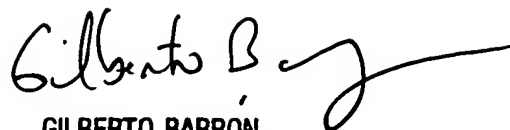
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August 27, 2003

A handwritten signature in black ink, appearing to read "Gilberto Barron", with a long horizontal flourish extending to the right.

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100